

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

WILBERT BENOIT,

Petitioner

V.

WARDEN DAVID EBBERT,

Respondent

[illegible]

CIVIL NO. 4:CV-15-1762

(Judge Brann)

## ORDER

October 16, 2015

In accordance with the accompanying Memorandum, **IT IS HEREBY**

**ORDERED THAT:**

1. Benoit's habeas corpus petition is **DISMISSED**  
**WITHOUT PREJUDICE.**
2. Petitioner may seek authorization from the United States Court of Appeals for the Eleventh Circuit for leave to file a second or successive § 2255 petition.
3. The Clerk of Court is directed to **CLOSE** this case.

4. Based on the Court's conclusion herein, there is no basis for the issuance of a certificate of appealability.

BY THE COURT:

s/ Mathew W. Brann  
Matthew W. Brann  
United States District Judge